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MOTION FILED JAN 10 1961

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1960

No. 473

ANTHONY C. KOTRICH and CLARA KOTRICH, his wife; JOHN EKERN OTT and CATHLEEN L. OTT, his wife; EVA BOITANO; PAUL FRENZEN and CLARA FRENZEN, his wife; WESLEY R. STARKEY and WILMA A. STARKEY, his wife; JOHN H. LOGAN and VERNA S. LOGAN, his wife; KEITH E. LUCAS and GLADYS LUCAS, his wife; WILLIAM T. MURPHY and FRANCES C. MURPHY, his wife; ROLAND E. GRELLO and DOROTHY A. GRELLO, his wife; ALBERT M. PELLETIER and JOSEPHINE B. PELLETIER, his wife,

Plaintiffs-Appellants,

vs.

COUNTY OF DU PAGE, ILLINOIS, a Municipal Corporation and SALT CREEK CLUB, a not for profit corporation in Illinois,

Defendants-Appellees

On Appeal from the Supreme Court of Illinois

MOTION FOR LEAVE TO FILE PETITION FOR REHEARING

ARTHUR FRANKEL
134 S. LaSalle Street
Chicago 3, Illinois

NATHAN GLICK
LAWRENCE E. GLICK
77 W. Washington Street
Chicago 2, Illinois

Counsel for Appellants

CHICAGO LAW PRINTING CORP., 189 W. MADISON, CHICAGO FRanklin 2-6521

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Now come the plaintiffs-appellants and respectfully move that the Petition for Rehearing heretofore received by the Clerk, on January 3, 1961, be filed instanter and/or out of time, for the reason and ground that;

Counsel herein has been informed by Erick H. Hart, president of Chicago Law Printing Corporation of Chicago, Illinois, who is the person directly charged with and and who supervised the printing and delivery of the said Petition, that at the hour of 6:00 P.M. on December 29, 1960, said Erick H. Hart, delivered a parcel containing forty (40) copies of the said Petition, along with his affidavit of service, to the clerk in charge of receiving such mail at the Central Post Office, in Chicago, Illinois; that the said parcel was properly addressed to the Clerk of this Court and had affixed thereto, sufficient United States Air Mail Postage; that said Erick H. Hart, was then told by the said postal clerk that said parcel would be placed aboard a plane and arrive in Washington, D. C. in ample time to be delivered the next morning, to wit: on December 30, 1960; that he has since inquired of the said clerk as to what occurred, and has been specifically informed by him, that said parcel did leave the City of Chicago aboard a plane bound for Washington, D. C. during the night of December 29, 1960, and that said delay in the delivery of the said parcel to the clerk, until January 3, 1961, occurred after the said parcel was placed aboard a plane bound for Washington, D. C. on the evening of December 29, 1960; and that the said parcel now in the hands of the Clerk of this Court, bears a postage cancellation mark of 8:00 P.M., December 29, 1960, affixed at Chicago, Illinois.

Respectfully submitted,

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ARTHUR FRANKEL
NATHAN GLICK
LAWRENCE E. GLICK
Counsel for Plaintiffs-Appellants